

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically at the time and date indicated, which may be materially different from its entry on the record.



Dated: 04:26 PM September 1, 2017

  
Russ Kendig  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: ) CHAPTER 13  
)  
MARK DOUGLAS MOORE, SR. ) CASE NO. 15-62639  
AND LISA DIANN MOORE, )  
) JUDGE RUSS KENDIG  
Debtors. )  
)  
)  
) **NOTICE OF INTENT**  
) **TO SEVER CASE**  
)

On August 25, 2017, Debtors filed a Notice of Voluntary Conversion from Chapter 13 to Chapter 7. Upon review of the case file, the court notes that Debtor Lisa Diann Moore passed away on August 12, 2017. This court has previously denied a deceased chapter 13 debtor the opportunity to convert. In re Mayle, Case No. 04-61930 (Bankr. N.D. Ohio August 8, 2006); In re Hurd, Case No. 05-66152 (Bankr. N.D. Ohio ). Therefore, it appears that Debtor Lisa Diann Moore's conversion may be improper.

The court hereby provides Debtors until **September 11, 2017** to act. Debtors may elect to withdraw the Notice of Conversion, leaving the case as a chapter 13, then dismiss Mrs. Moore, after which Mr. Moore can convert. Alternatively, Debtors could make a legal argument that the conversion was not improper, raise any other appropriate argument, or use a different procedure to remediate the issue. But, if no action is taken by September 11, 2017, the court will sever the case, resulting in an additional filing fee for the newly severed case, and convert the case of Lisa Diann Moore back to chapter 13.

It is so ordered.

# # #

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